

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MALIBU MEDIA, LLC

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

- against -

DAVID GAINZA

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

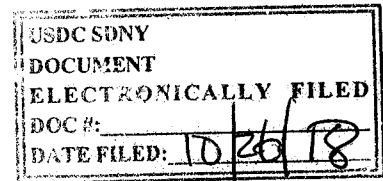
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ANSWER



I

ADMISSIONS AND DENIALS

In this section, state which factual allegations in the complaint you admit to and which factual allegations you deny. You should refer to the complaint paragraph by paragraph (and sentence by sentence within each paragraph), in the same order as the paragraphs and sentences appear in the complaint. Attach additional sheets of papers as necessary.

1. The defendant admits that this court has subject matter jurisdiction over this lawsuit.
2. The defendant denies that his IP address was used to illegally distribute the copyrighted movies.
3. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
4. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
5. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
6. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
7. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
8. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
9. The defendant admits that he lives at this address.
10. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.

11. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
12. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
13. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
14. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
15. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
16. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
17. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
18. The defendant denies downloading any pieces of the movies.
19. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
20. The defendant denies downloading any of the movies. The defendant lack sufficient knowledge to say that the plaintiff uploaded any content to a BitTorrent user.
21. The defendant denies downloading any pieces of the movies.
22. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
23. Exhibits A and B do not match each other and have different amounts of titles in each therefore the defendant denies this paragraph.
24. The defendant denies downloading any pieces of the movies.
25. The defendant denies downloading any copyright infringing material via the BitTorrent network.
26. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
27. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
28. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
29. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
30. The defendant denies downloading any pieces of the movies.
31. The defendant denies downloading any pieces of the movies.
32. The defendant lacks sufficient knowledge or information to determine the truth of the allegations.
33. The defendant denies downloading any pieces of the movies.

II

DEFENSES

In this section, state any legal theories that, even assuming that what plaintiff has alleged in the complaint is true, do not permit the plaintiff to win the case. Attach additional sheets of paper as necessary.

FIRST DEFENSE:

The defendant denies downloading any copyright infringing material via the BitTorrent network.

SECOND DEFENSE:

THIRD DEFENSE:

WHEREFORE defendant asks this Court to dismiss the complaint and enter judgment in favor of defendant.

[If you have any counterclaim against the plaintiff that arises out of the same events or transactions stated in the complaint, and/or any crossclaims against the other defendants that arise out of the same events or transactions stated in this complaint, and/or any third-party claims you have against third-parties (that is, someone not already named in the lawsuit) that arise out of the same events or transactions stated in the complaint, you should attach additional sheets of paper to set forth the facts and bases for any such claims. See the Pro Se Manual for a further explanation.]

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26 day of October, 2018.

Signature of Defendant

David Gaio

Address

10 Jones Place

Tappan, NY 10983

Telephone Number

845-359-2213

Fax Number (if you have one)